

CHAPTER 4 (Revised 9/7/04)

PUBLIC RECORDS

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Section 1. Definitions.

As used in this chapter, "record" means any document, record, paper, letter, file, book, account, photograph, microfilm, microfiche, map, drawing, chart, card, magnetic media or computer print-out, or other document of any material, regardless of physical form or characteristic, created or acquired in connection with the transaction of official business and preserved or appropriate for preservation by the municipality, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the municipality or because of the information value in them. "Record" does not include extra copies of documents made or preserved solely for convenience of reference, or for public distribution.

Section 2. Ownership and custody of records.

- A. All records shall be and remain municipal property. Records shall be delivered by outgoing officials and employees to their successors as required by Section 3, Chapter 74 of this Code and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.
- B. Municipal records, or copies of such records that have been certified by the municipal clerk, shall be prima facie evidence of their contents.

Section 3. Duties of Municipal Clerk.

The clerk shall be responsible for administration and maintenance of the public records. The clerk shall:

- A. Compile and maintain an inventory of the public records, including those in the custody of other municipal officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
- B. Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and re-filing records that are temporarily removed from the permanent files for use by municipal officials or employees, or members of the public;
- C. Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of Education as provided by A.S. 40.21.090 for archival; and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records that are not open to public inspection pursuant to Section 5 of this chapter;
- D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records that are not open to inspection pursuant to Section 5 of this chapter.

Section 4. Public records; inspection and copying.

- A. Except as provided in Section 5, municipal records are public records.
- B. Public records are open to inspection by the public during regular office hours, subject to reasonable rules

relating to time, place, and manner of inspection. The clerk shall give, on request and payment of costs (not to exceed the actual cost copying or providing the document), a copy or certified copy of portions of the public record.

Section 5. Confidential records.

- A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any municipal officer, official, or employee whose duties do not require access to the record in question.
- B. The following municipal records are confidential:
 - 1. Records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;
 - 2. Records pertaining to juveniles;
 - 3. Medical and related public health records;
 - 4. Personnel records, except as provided in Chapter 75;
 - 5. Other records required by federal or state law or regulation or by ordinance to be kept confidential.

Section 6. Retention and disposal.

- A. All municipal records shall be retained until the governing body, in writing, authorizes their disposal. The retention and/or disposal schedule shall be in accordance with the Alaska Local Government Retention Schedule as revised and any applicable state, federal, or local law.
- B. The clerk shall propose and the governing body shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative, or historical value and may be destroyed by the clerk. The clerk may dispose of routine records pursuant to the retention schedule.
- C. The clerk shall periodically review the municipal records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative, or historical value. When the clerk identifies such records, he or she may propose to the governing body that such records be destroyed. The clerk's proposal to the governing body shall include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the governing body finds that certain records identified by the clerk are without legal, administrative, or historical value, the governing body may authorize disposal and specify the means by which they may be disposed of. After such authorization, the clerk may dispose of the specified records in the manner approved by the governing body. Disposal shall be done in such a manner that any personal information that is determined confidential and protected, shall remain protected.
- D. The clerk shall prepare a dated list and description of the records disposed of and the method of disposal. The clerk shall provide copies of these documents to the governing body.